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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,424	06/09/2006	Matthew David Lutzke	60,159-243; 129	4857
26/096 7590 04/11/2008 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009				
EXAMINER				
BOCHNA, DAVID				
ART UNIT		PAPER NUMBER		
3679				
MAIL DATE		DELIVERY MODE		
04/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/582,424

**Applicant(s)**

LUTZKE ET AL.

**Examiner**

David E. Bochna

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the collet" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 1, line 8 - is "a tube" the same "a tube" recited in line 2?

Claim 4, line 6 - is "a tube" the same "a tube" recited in claim 1?

Claim 6, line 8 - is "a tube" the same "a tube" recited in line 2?

Claim 6 recites the limitation "the collet" in line 10. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kargula.

In regard to claim 1, Kargula discloses a fluid handling combination assembly comprising:

a housing 22 for receiving a tube 24;

a collet retainer 64 received within said housing, said collet retainer extending generally circumferentially around a central axis, with an expansion gap 81 at one circumferential location, said collet retainer being provided with self-centering structure 50 for ensuring said collet retainer is generally centered about a central axis of said housing; and

a tube 24 held within said housing by having an upset portion 26 positioned inwardly of said collet retainer.

In regard to claim 2, wherein said collet retainer 64 self-centering structure includes a leg 38 extending axially inwardly, and received within a channel 50 to center said collet retainer.

In regard to claim 3, wherein a pilot 58 is positioned axially inwardly of said collet retainer, said pilot member including said channel 50 for receiving said leg 38, and centering said collet retainer 64.

In regard to claim 4, wherein said collet 64 has a ramped angled inwardly facing surface 72, said ramped inwardly facing surface coming into contact with a cam surface 58 when a tube is moved to bring said collet retainer axially into said housing, said cam surface causing said ramped inwardly facing angled surface of said collet retainer to cam radially outwardly and assist radial expansion of said collet retainer as a tube is moved into said housing.

In regard to claim 5, wherein said cam surface 58 is on a pilot positioned inwardly of said collet retainer 64.

In regard to claim 6, Kargula discloses a fluid handling combination assembly comprising:

a housing 22 for receiving a tube 24;

a collet retainer 64 received within said housing, said collet retainer extending generally circumferentially around a central axis, but having an expansion gap 81 at one circumferential location, said collet retainer 64 being provided with self-centering structure 58 for ensuring said collet retainer is generally centered about a central axis of said housing;

a tube 24 held within said housing by having an upset portion 26 positioned inwardly of said collet retainer; and said collet has a ramped angled inwardly facing surface 72, said ramped inwardly facing surface coming into contact with a cam surface 58 when a tube is moved to bring said collet retainer axially into said housing, said cam surface causing said ramped inwardly facing angled surface of said collet retainer to cam radially outwardly and assist radial expansion of said collet retainer as a tube is moved into said housing.

In regard to claim 7, wherein said cam surface 58 is on a pilot 50 positioned inwardly of said collet retainer.

5. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Malone.

In regard to claim 1, Malone discloses a fluid handling combination assembly comprising:

a housing 12 for receiving a tube 54;

a collet retainer 62 received within said housing, said collet retainer extending generally circumferentially around a central axis, with an expansion gap 66 at one circumferential location,

said collet retainer being provided with self-centering structure 65 for ensuring said collet retainer is generally centered about a central axis of said housing; and

a tube 54 held within said housing by having an upset portion 50 positioned inwardly of said collet retainer.

In regard to claim 2, wherein said collet retainer 62 self-centering structure includes a leg extending axially inwardly, and received within a channel 64 to center said collet retainer.

In regard to claim 3, wherein a pilot 65 is positioned axially inwardly of said collet retainer, said pilot member including said channel 64 for receiving said leg 62, and centering said collet retainer 62.

In regard to claim 4, wherein said collet 62 has a ramped angled inwardly facing surface, said ramped inwardly facing surface coming into contact with a cam surface 65 when a tube is moved to bring said collet retainer axially into said housing, said cam surface causing said ramped inwardly facing angled surface of said collet retainer to cam radially outwardly and assist radial expansion of said collet retainer as a tube is moved into said housing.

In regard to claim 5, wherein said cam surface 65 is on a pilot positioned inwardly of said collet retainer 62.

In regard to claim 6, Kargula discloses a fluid handling combination assembly comprising:

a housing 12 for receiving a tube 54;

a collet retainer 62 received within said housing, said collet retainer extending generally circumferentially around a central axis, but having an expansion gap 66 at one circumferential

location, said collet retainer 62 being provided with self-centering structure 65 for ensuring said collet retainer is generally centered about a central axis of said housing;

a tube 54 held within said housing by having an upset portion 50 positioned inwardly of said collet retainer; and said collet has a ramped angled inwardly facing surface, said ramped inwardly facing surface coming into contact with a cam surface 65 when a tube is moved to bring said collet retainer axially into said housing, said cam surface causing said ramped inwardly facing angled surface of said collet retainer to cam radially outwardly and assist radial expansion of said collet retainer as a tube is moved into said housing.

In regard to claim 7, wherein said cam surface 65 is on a pilot positioned inwardly of said collet retainer.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hayman, Laipply, Suzuki and Chow all disclose similar couplings common in the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078.

The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/  
Primary Examiner, Art Unit 3679